

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD/SN)
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This document relates to: *Estate of John P. O'Neill, Sr., et al. v. Al Baraka Investment & Development Corp. et al.*, 04-cv-1923 (GBD) (SN) (S.D.N.Y.)

**SECOND SUPPLEMENTAL DECLARATION OF JERRY S. GOLDMAN, ESQ.
IN SUPPORT OF RULE 72(b) OBJECTIONS TO THE MAGISTRATE JUDGE'S
REPORT & RECOMMENDATION**

I, Jerry S. Goldman, Esq., declare under penalty of perjury, as provided for by 28 U.S.C. § 1746, that the following statements are true and correct:

1. I am a shareholder at Anderson Kill P.C., attorneys for Plaintiffs the Estate of John P. O'Neill, Sr., John P. O'Neill, Jr., Christine O'Neill, Carol O'Neill, the Estate of Dorothy O'Neill, and the Estate of John F. O'Neill ("Plaintiffs") in the above-captioned action. I am familiar with the facts and circumstances of this case and am admitted to practice in this Court.

2. Based on my firm's communications with thousands of previously unrepresented 9/11 family members and personal representatives of 9/11 estates, I believe that most presently unrepresented family members and 9/11 decedent estates do not realize that this MDL exists or that they are eligible to participate in it.

3. In my experience, the overwhelming majority of 9/11 family members and personal representatives of 9/11 estates who find out about the existence of this litigation want to join the litigation.

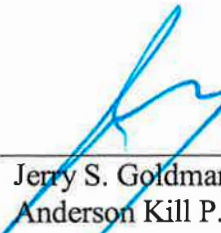
4. For example, in the year that this class motion has been pending, undersigned counsel retained over 400 new 9/11 family members and estates to participate in this MDL.

5. The vast majority of these new clients had never heard of this MDL or had no idea that they could potentially still recover for the loss of a loved one on 9/11.

6. According to the Victims Compensation Fund of 2001 ("VCF"), 249 of the 2,880 wrongful death applicants to the VCF were non-citizens. *See* Final Report the Special Master for the September 11th Victim Compensation Fund of 2001, *available at* <https://securitypolicy.syr.edu/wp-content/uploads/2012/09/Special-Masters-Final-Report.pdf>. Some of these 249 applicants were likely dual citizens, and approximately one hundred 9/11 estates did not participate in the VCF. At least four of the 9/11 victim estates that did not participate in the VCF were non-citizens. Given these two offsetting considerations, undersigned believes that 249 is a reasonable estimate of the number of non-citizens killed in the 9/11 terrorist attacks.

WHEREFORE, Plaintiffs respectfully request that the Court sustain Plaintiffs' Objections to the Magistrate's Report and Recommendation (ECF No. 6601).

Dated: March 8, 2021
New York, NY



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